

THE DAILY BEE. COUNCIL BLUFFS. TUESDAY MORNING, NOV. 10. OFFICE: No. 12 Pearl Street.

CONTEST ABOUT FIRE LIMITS. An Interesting Decision by Iowa's Supreme Court.

MINOR MENTION. Reller, the tailor, for fall goods. Shugart, Waite & Wells are putting in a new front.

The board of education is to meet this afternoon at 3 o'clock, at Dr. Macne's office.

One of the Saunderson boys was arrested last night for stealing a sack of flour from Robert Mullis's store.

Clark Wallace, C. B. Pickrel and John Bell were yesterday fined by Judge Aylesworth for being too drunk.

Jerry Ritchie, who recently created such a sensation here, was seen here yesterday driving through the streets.

It is rumored that one of the lady clerks in the People's store is shortly to be married.

The revival at the Methodist church will continue this week out, although Harrison has been called to a new field.

There were twenty-five trains over the Northwestern alone yesterday, a straw showing what sort of a railway center Council Bluffs is.

The county board were in session yesterday canvassing the vote of the last election, with no practical change in the result as already announced.

It is stated that some of those who have been buying up city warrants at 75 cents on the dollar are acting in the interest of a syndicate which is getting 100 cents for them.

It is now said that Fred Nugent, having satisfied himself and the public that his career as a journalist cannot be made any brighter by longer service, is to accept a position on the Council Bluffs police force.

The great sensation here yesterday was the appearance of a man who actually went to work cleaning the mud of one of the crossings.

The paving of Bryant street is going right along. There seems to be a good many more inspectors than are needed, but as they are setting without cost to the city, and as they seem to be pretty well satisfied with the way the work is being done, no one should complain.

Justice Schurz had his time occupied yesterday marrying people, in which he seems to be taking the lead over all the magistrates in this city.

Officers Towns is said to be the next policeman to take off his star. Just as the men of this district are beginning to do anything else at a fair salary, there is little temptation to stay with the city and get their pay in warrants which are to be sold at twenty-five per cent discount, and especially as the force is at present organized, or rather disorganized.

Be sure and ask your grocer for the bread made at Smith & Loeck's bakery, No. 23 Main street. It is the very best made. Try it and be convinced.

The very latest New York styles received weekly at Mrs. O. A. Rogers.

Personal Paragraphs. Charles Heisles is confined to his room with fever.

J. L. Watson, of Sac City, was at the Ogden yesterday.

Mrs. Durragh has returned home from a visit to St. Louis.

B. C. Harris, of Lewis, Iowa, was yesterday at the Hechtelberg.

W. P. Christy, of Des Moines, arrived at the Hechtelberg yesterday.

Matt B. Kelly and J. H. McNamara, both of Le Mars, were at the Pacific yesterday.

William B. Porter and wife, of Plattsmouth, Neb., are in the city visiting relatives.

D. E. Moran, of the Rock Island freight office, has engaged with Cooke & Morgan as bookkeeper.

Dr. Paulsen now goes to Kansas to see his brother, who is in ill health, and the two may conclude to take a southern trip.

Simon Bamberger, a Salt Lake banker, and brother-in-law to William Mass, of the People's store, is a Council Bluffs visitor.

Henry Rothert, wife and son, of Keokuk, and Edward H. Rothert, of Cheyenne, were among those at the Ogden yesterday.

E. C. Swan and wife, of Cheyenne, who have been visiting Mrs. Swan's parents, Mr. and Mrs. Kirkland in this city, have gone home.

Drs. Judd & Smith's Electro-Magnetic Insulator. Only fifty cents. No. 30 Fourth St., Council Bluffs, Iowa. Agents wanted.

A Railway Passenger Robbed of a Big Roll—Death of John Kintz—Stolen Clothes Found At Last.

The Fire Limits. The supreme court of Iowa has just rendered a decision which is of interest and importance to all cities in the state seeking to maintain fire limits.

The case that of Gilbert Bros., the lumber men of Des Moines, who were charged with violating the city ordinance by erecting wooden buildings, and maintaining a lumber yard within the fire limits. In the district court they were convicted of erecting wooden buildings, but acquitted of the charge of maintaining a lumber yard upon the ground that the city council had no power under the statutes to prohibit the establishing and maintaining of lumber yards within the fire limits.

From this decision both parties appealed and the supreme court has rendered the following decision, sustaining Gilbert, and against the city on both counts.

Section 482 of the code is as follows: "Municipal corporations shall have power to make and publish from time to time ordinances not inconsistent with the laws of the state for carrying into effect or discharging the powers and duties conferred by this chapter, and such as shall seem necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the morals, order, comfort and convenience of said corporation and the inhabitants thereof, and to enforce obedience to such ordinance by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days."

It is further provided by statute that cities "shall have power to make regulations against danger from accidents by fire, to establish fire districts, and on petition of the owners of two-thirds of the grounds included in any square or block, to prohibit the erection thereon of any building or addition to any building, unless the same walls thereof be made of brick and mortar, or of iron and stone and mortar, and to provide for the removal of any buildings or additions erected contrary to said prohibitions."

The ordinance under which the prosecution against the defendants is sought to be maintained provides that it shall be unlawful for any person with certain limits to erect any building or addition to any building not made and built with outer walls composed of iron, stone, brick and mortar, or other incombustible material, and all persons are hereby forbidden from erecting or adding to any building within said limits, the outer walls of which are composed of wood or other combustible material, or from keeping or maintaining any lumber yard or wood yard within said limits.

It is contended that the ordinance establishing fire limits was passed without the petition of the owners of two-thirds of the ground included in squares or blocks within the limits, and that the ordinance is such an important question in the case is such petition necessary to give the city council authority to fix fire limits.

It is claimed by counsel for the plaintiff that the power is given in the ordinance above cited which authorizes the council to make regulations against danger from accidents by fire, and to establish "fire districts."

And it is thought to construct the term "fire districts" the same as if the words "fire limits" were used. We do not think any such construction can fairly be placed upon the law. These terms are not convertible nor interchangeable. The words "fire districts" are used to authorize the division of the city into districts for the better and more efficient service of the fire department in the extinguishment of fires.

That was done by the ordinance passed by the council of the city of Des Moines is made manifest by the fact that the council established two fire districts and fixed their boundaries. Another and very cogent reason why the words "fire districts" are not to be construed as "fire limits" is that in the same section of the statute the manner in which fire limits are to be established is especially designated—that is by petition of the owners of two-thirds of the grounds in the respective blocks.

It is further claimed that the city council is authorized to fix fire limits under the general provisions of section 482 of the code. It may be that the point would not have been taken if it were not for the provision in section 457 prescribing the requirements necessary to the exercise of the power. It is a general principle of law that the specific designation of the manner of exercising a power granted operates as a limitation upon the general power conferred, or, as is said in the case of Keokuk vs. Scraggs, 39 Iowa 475: "When a thing is directed to be done through certain means or in any particular manner, there is implied an inhibition upon doing it through other means or in a different manner."

In Rye vs. Peterson, 45 Texas, 321 (23 American Reports, 608), it was held that a city cannot, without express authority, in either its charter by statute, establish fire limits and declare wooden buildings within such limits to be nuisances. That case is in its facts very much like the case at bar, so far as it relates to the creation of the wooden buildings by the defendants. We think upon this branch of the case the court erred in holding the defendants liable for the erection of the buildings at their lumber yard.

The court below held that the defendants were not liable to punishment under the order for the erection and maintenance of a lumber yard within the fire limits. This ruling doubtless was made upon the authority of the case of City of Keokuk vs. Scraggs, above cited. It appears to us that the case is decisive of this question. The city of Keokuk was organized under a special charter. Its general laws were in force and full as the power granted to cities under section 482 of the code. There was an amendment to the charter granting specific powers for the purpose of guarding against certain nuisances by fire. The city passed an ordinance for the prevention of fires, in which it prohibited certain acts not enumerated in the special provisions in the amendment. It seems to us that case is identical with this in principle. We are content to follow it without further elaboration.

Our conclusion is that the judgment of the court below should be affirmed on plaintiff's appeal, and reversed on defendant's appeal.

county on the state ticket by nearly 600 majority, the vote on governor being, Whitely, 4,334; Lusk, 3,315, giving Whitely a majority of 889, and the other majorities on the state offices not varying far from that. The following shows the figures on the other candidates:

Table with 2 columns: Candidate Name and Votes. Includes representatives like Keating, Supp, Hart, Hales, and others.

The electric belt of Judd & Smith, 30 Fourth street, Council Bluffs, positively cures rheumatism, neuralgia, dyspepsia, piler, paralysis, indigestion, etc.

For everything in the grocery line give the new firm of Kintz & Kleeb, 162 Broadway, a trial. Everything new and fresh. Fancy groceries a specialty.

Death of John Kintz. The death of John A. Kintz, announced in yesterday's BEE as having occurred at 6 o'clock Sunday afternoon, has caused sorrow to a large circle of friends here.

Mr. Kintz was born in Cumberland county, Pennsylvania, and had reached the age of 41 years. He has been in the employ of the Chicago, Burlington & Quincy railway for seven years, and has risen from the position of clerk to that of cashier, a position he has occupied for the past three years.

Substantial abstracts of title and real estate loans. J. W. & E. L. Squire, 101 Pearl street.

Cottage ranges, Garland stoves, Radiant Homes and Hub heaters of the very latest patterns at bed rock prices, at Cooper & McGee's, No. 41 Main street.

Found His Clothes. About three weeks ago a painter named Jensen, boarding at the Denmark hotel, had a suit of clothing stolen from his room and has been unable to get any track of them until yesterday, when he discovered the young man wearing the coat and vest.

Every one buying 25 cents worth of T. D. King & Co., has a chance, free, in the great drawing, December 24.

For the best and cheapest oysters call at Chicago Lunch Counter, 563 Broadway. Oyster soup all day, only 10 cents.

Some Pickpocket Happened here over the Rock Island a fine looking gentleman from Pennsylvania, who with his mother, was en route for North Loup, where his mother-in-law lives.

On Sunday afternoon Rev. T. J. Mackey officiated in the happy service of joining in marriage Mr. George F. Wittum, of this city, and Miss Jennie Cooper, a very cultured lady, who has had charge of the public schools in Miami.

Lamps cheap at Homer's, 23 Main St.

Kintz & Kleeb. Fancy and Staple Groceries. No. 162 - Broadway. Opposite Ogden House, Council Bluffs, - - Ia.

Justice of the Peace. N. Schurz. Office Over American Express, CO 1201 1/2 BROADWAY.

Sutter Hotel. MISSOURI VALLEY, IOWA. CHAS SUTTER, Manager. Has opened a suite of dressing parlors at 20 1/2 Broadway.

Kintz & Kleeb Grocers. This house being a new one, consequently everything in stock is new and fresh.

Prices as reasonable as any other grocery in the west. One trial is all we ask.

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CARPETS. Council Bluffs Carpet Co. Our stock is now complete in every department and contains all the latest styles and novelties in

CARPETS, CURTAINS, SHADES, UPHOLSTERY GOODS, ETC., ETC.

Largest Stock Lowest Prices.

THE ONLY EXCLUSIVE CARPET HOUSE IN WESTERN IOWA.

SAMPLES furnished upon application to 0 of town parties.

FIRE UPHOLSTERY WORK TO ORDER Council Bluffs Carpet Company 405 Broadway.

THE NEW YORK Plumbing Co. 552 BROADWAY.

Sanitary Hydraulic Engineers, Public and Private Systems of Sewerage.

Water works and Ventilation designed and constructed. Plumbing work in all its branches. This company have one of the best assorted stocks of plumbing goods in the west.

Estimates furnished. HARRY BIRKINBINE, Manager.

New York Plumbing company 552 Broadway Council Bluffs. Telephone No 27.

DRESS MAKING, CUTTING AND FITTING. MRS. A. R. ROBERTS, Formerly of New York, No. 2 Pearl Street, - - Council Bluffs, Iowa.

N. SCHURZ, Justice of the Peace. Office Over American Express, CO 1201 1/2 BROADWAY.

DRESS MAKING PARLORS. Mrs. J. A. LASSIE, LACE OILS, ETC. Has opened a suite of dressing parlors at 20 1/2 Broadway.

OPPOSITE THE PEOPLES' STORE. Cutting and fitting a specialty.

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SPECIAL NOTICES. NOTICE—Special advertisements, such as Lost, Found, To Loan, For Sale, To Rent, Wants, etc., will be inserted in this column at the low rate of TEN CENTS PER LINE for the first insertion and FIVE CENTS PER LINE for each subsequent insertion. Leave advertisements at our office, No. 12 Pearl street, near Broadway.

WANTED—First-class printers at Home & Co. Laundry, No. 310 Broadway Council Bluffs.

FURNISHED ROOM—A nicely furnished large front room for rent at No. 212 Vine street, Council Bluffs.

FOR SALE—Being desirous of moving to Omaha, on account of my business, I offer for sale my real-estate office, Fourth Avenue and Ninth Street. Inquire on premises. A. P. Brannan.

NOTES FOR RENT—At McMahon & Co's, No. 4 Pearl street.

FOR SALE OR RENT OR EXCHANGE. No. 25—For sale or rent, on very liberal terms, the Council Bluffs Paper Mill complex, with the large boarding house and three acres of ground.

No. 26—A business property in Cherokee, Cherokee county, Iowa, will trade for western lands. Value, about \$1,000.

No. 27—A beautiful home in the town of Hastings, Mitchell county, Iowa, for Nebraska land. Value, \$2,500.

No. 28—A good business property and also a rural residence, each with a town of Cherokee-McLean county, Ill. low down for cash or will exchange for western lands.

No. 29—A splendid farm, well improved, 610 acres in Dickinson county, Iowa, joining the town of Spirit Lake. Price, for a short time, \$25,000.

No. 30—Are four improved farms in Phillips county, Kansas, each with a small incumbrance. The equities will be exchanged for unimproved wild land in Nebraska.

No. 31—40 acres in Holt county, Neb., partly improved, at a big bargain. Wants to exchange for merchandise.

No. 32—A fine two story brick residence, one of the best located in Council Bluffs, will trade for good timber, building lots or Nebraska lands. Value, \$15,000.

No. 33 and 34—Are two other beautiful homes in Council Bluffs, which each property will buy at a bargain.

No. 35—A fine two story brick residence, one of the best located in Council Bluffs, will trade for good timber, building lots or Nebraska lands. Value, \$15,000.

No. 36—Are only a few of our special bargains. If you've got anything to trade or sell, or want to sell any real estate or merchandise, write us. We will give you good advice of price to trade for lands. SWAN & WALKER, Council Bluffs, Iowa.

UNION TICKET OFFICE. J. L. De BOIVISE, Agent. No. 56 Broadway, Council Bluffs.

Railway Time Table. COUNCIL BLUFFS. The following is the time of arrival and departure of trains by central standard time, at the head depot. Trains leave transfer depot ten minutes earlier and arrive ten minutes later.

Table with 2 columns: Time and Destination. Includes Chicago & North Western, Chicago & Rock Island, etc.

ONLY HOTEL in Council Bluffs having Fire Escape. And all modern improvements, and bells, fire alarm bells, etc., in the CRESTON HOUSE! No. 215, 217 and 219, Main Street, MAX MOULTON, Proprietor.

Metcalf Bros. 342 and 344 BROADWAY. Mens Fall & Winter Wear CLOTHING.

Merchant Tailor. Equal to the best, to order. All at the price. Fall Mens' Suits and Overcoats. Lean Mens' Suits and Overcoats. For Mens' Trousers.

Remains Shirts and Trousers in Scotch wools, Medicated Colours, Extra Heavy Qualities, Fancy Colored Waists and mixed goods, from the cloth to \$4.50.

DUNLAP AND STEYSON HATS FOR THE FALL OF 1885. FURNISHING GOODS. Gloves, Neckwear, Suspenders, Handkerchiefs, Collars, And Cuffs.

Of first class qualities and reasonable prices. METCALF BROS. RETAIL DEPARTMENT. 225 and 245 Broadway, Council Bluffs, Iowa.

JACOB SIMS, ATTORNEY AT LAW. COUNCIL BLUFFS. Practices in State and Federal Courts. 7 Pearl St. Telephone 100.

PAID UP CAPITAL, \$20,000. AUTHORIZED CAPITAL, \$100,000. Mueller Music Company INCORPORATED. SUCCESSORS TO J. MUELLER, 103 MAIN STREET, COUNCIL BLUFFS, IA. IMPORTERS OF AND DEALERS IN Musical Instruments, Musical Merchandise of Every Description. Toys and Fancy Goods.

We make the celebrated Hardman Pianos, and the Royal Whitney Organs, a specialty. Every instrument warranted. Send for catalogue. MUELLER MUSIC COMPANY, Council Bluffs, Iowa.

THE OLD ESTABLISHED HOUSE OF JOHN BENO & CO., Have removed to their New Store, Nos. 32 & 34 Main and 33 & 35 Pearl Sts., NEXT DOOR SOUTH OF THE POSTOFFICE, Where they have put in a new stock of DRY GOODS, CLOTHING, Ladies' and Gents Furnishing Goods, Etc., Etc.

Among which are the following lines:— Hats and Caps, Gloves and Mittens, Gents Neckwear, Gents' Underwear.

BOOTS AND SHOES, TRUNKS AND VALISES, MONARCH FINE SUITS, Ladies' Children's and Misses' Underwear, Hosiery and Gloves, Cloaks and Shawls, Ladies' Valises, Blankets and Flannels, Rockford Carpet Warp in all Colors.

JOHN BENO & CO., No. 32 and 34 Main Street, Council Bluffs, Iowa. No. 33 and 35 Pearl Street.

No TRAVELING AGENS! EMPLOYED BY J. M. PHILLIPS, WHOLESALE DEALER IN Boots, Shoes & Rubber Goods No. 413 Broadway, Council Bluffs.

Our customers get the benefit of the expense thus saved. Send for price lists. W. P. AYLSWORTH, HOUSE MOVER AND RAISER.

Frisk buildings of any kind raised or moved and satisfaction guaranteed. Frame houses move on Little Giant trucks—the best in the world. 1009th St., COUNCIL BLUFFS, IOWA.

STEAM DYE DRY CLEANING WORKS, No. 29 Main Street, Council Bluffs.

R. RICE, M. D. CANCERS or other tumors removed without pain. Chronic Diseases of all kinds a specialty. Over thirty years' practical experience. Office No. 11 Pearl Street, Council Bluffs. 1st Floor, COUNCIL BLUFFS.

STOCK OFFICER. M. W. H. PUSEY, OFFICER & PUSEY, BANKERS. No. 7 and 9 MAIN STREET, Council Bluffs, Iowa. Established 1851.

J. M. SMITH LEADING Merchant Tailor! No. 7 and 9 MAIN STREET, Council Bluffs, Iowa.

HOME STEAM LAUNDRY (GEO. W. SCHINCKLE & CO.) No. 540 Broadway, Council Bluffs.

All work guaranteed equal to Troy Laundry work. Work sent for and delivered FREE. All goods by mail or express receive prompt attention. No excisions—Cleanliness and promptness. 2nd Floor, No. 124.

Of all kinds made to order. Of every style ready made. Hair Goods Hair Goods. No. 507 Broadway.